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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,416	09/27/2001	Masahiro Numata	Q66412	8972

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

YIMAM, HARUN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/963,416

Applicant(s)

NUMATA ET AL.

Examiner

Harun M. Yimam

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/02/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

3. In response to applicants' argument (page 9, 4<sup>th</sup> paragraph) that Figure 1 in Young does not suggest displaying information about added programs, applicants should first note that the Examiner referred to paragraphs [0108], [0111] and [0112], which discuss Figure 20 and Figure 1, to meet said limitation. Paragraphs [0108], [0111], [0112] and Figure 20 in Young disclose that said programming guide is customizable by allowing a user to add desired channels (which carry desired programs for display) and 120 in figure 20 displays information about said added programs.

4. In response to applicants' argument (page 9, 4<sup>th</sup> paragraph) that Young does not disclose displaying information about added (recorded) programs and scheduled programs while arranged in a guide screen at locations corresponding to respective time slots along a same time axis, applicants should note that Young explicitly discloses displaying information about scheduled programs (said programs cell will be outlined or highlighted in red—[0043], [0046] and [0067]). Furthermore, Young discloses that a recorded program will be displayed with a solid red background ([0045]) i.e., information about added (recorded) programs. Although the drawings do not show both features, Young clearly teaches that both features shows how the first feature appears on the programming guide.

5. In response to applicants' argument (page 11, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs) that Entwistle does not disclose displaying a first break mark at a first end of the first program, applicants should refer to the FILM and MUSIC programs on channels 1 and 2 respectively. Figures 4 and 5 show that although the second program (MUSIC) starts a few minutes after 9 on Ch3, the first program (FILM) is still running at that particular moment and a first break mark at a first end of the first program is shown in figure 5 on Ch2 to indicate that the first program (FILM) overlaps a first portion of the second program (MUSIC).

### **Claim Rejections - 35 U.S.C. § 103**

6. The following is a quotation of 35 U.S.C. § 103(a), which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 - 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Young (20050044567) in view of Entwistle (EP 1028589).

Considering claims 1 and 11, Young discloses: A program guiding method and corresponding apparatus comprising: a program adding device for adding desired programs ([0108], [0111] and [0112]);

a program scheduling device for scheduling programs to be received ([0043], [0046], [0067]); and

a display device for displaying information about said added programs that are favorite ones for a user (favorite MY channels as shown in figure 20 – [0108], [0111] and [0112] and programs that were desired and recorded by the user – discussed in paragraph [0043] but not shown in the drawings) and information about said scheduled programs to be viewed or recorded for the user ([0043], [0049] and [0079]) while arranged in a single two-dimensional program guide screen at locations corresponding to respective time slots along a same time axis (fig. 1 [0043], [0045] and [0063]).

Young fails to specifically teach wherein a first program of said added programs and said scheduled programs has a higher priority than a second program of said added programs and said scheduled programs, and wherein, when the first program contends in a same time slot of the second program, said display device displays a first break mark at a first end of the first program to indicate that the first program overlaps a first portion of the second program.

In an analogous art, Entwistle discloses wherein a first program (film continues, fig. 5) of said added programs and said scheduled programs has a higher priority (film is a higher priority because is viewed even though the music program has started) than a second program (music, fig. 5) of said added programs and said scheduled programs [0015] and wherein, when the first program contends in a same time slot of the second program (the film program continues into music time slot), said display device displays a first break mark at a first end of the first program (the first part of the slant at the end of film continues) to indicate that the first program overlaps a first portion of the second program ([0015]; [0005-0006]; [0009]; [0012-0013]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young's system to teach wherein a first program of said added programs and said scheduled programs has a higher priority than a second program of said added programs and said scheduled programs, and wherein, when the first program contends in a same time slot of the second program, said display device

display a first break mark at a first end of the first program to indicate that the first program overlaps a first portion of the second program, as taught by Entwistle, so as to illustrate to the viewer the extent of delay and overlap of programming times.

As to claim 2, it is met by the combination of Young and Entwistle. In particular, Young discloses: said program scheduling device schedules programs selected from said programs added by said program adding device ([0108]; [0111]; [0112]).

With regards to claim 3, it is met by the combination of Young and Entwistle. In particular, Young discloses: said two-dimensional program guide screen includes a first area for displaying said information about said added programs and a second area for displaying said information about said scheduled programs, said first and second areas being displayed while distinguished from each other ([0062]; [0063]; [0108]; [0113]).

Regarding claim 4, it is met by the combination of Young and Entwistle. In particular, Young discloses: each of said program adding device and said program scheduling device allows a plurality of programs to be added, said plurality of programs contending in whole or part of a time slot; and even if a plurality of said added programs or said scheduled programs contend in whole or part of said time slot, said display device displays information about each of said contending programs in said two-dimensional program guide screen in a visually recognizable manner ( fig. 1 [0108]).

Considering claim 5, it is met by the combination of Young and Entwistle. In particular, Young discloses: said two-dimensional program guide screen includes areas corresponding to entry types, and displays said information about said added programs in a corresponding one of said areas ([0046]; [0043]; [0067]).

As to claim 6, it is met by the combination of Young and Entwistle. In particular, Young discloses: each of said entry types is dedicated to a different user (each different user can record a different program [0046]; [0043]; [0067]).

With regards to claim 7, it is met by the combination of Young and Entwistle. In particular, Young discloses: said information about said programs displayed while arranged in said two-dimensional program guide screen is moved in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs [0111].

Regarding claim 8, it is met by the combination of Young and Entwistle. In particular, Young discloses: if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs and said information about said scheduled programs, which are displayed while arranged in said two-dimensional program guide screen, are exchanged in a visually recognizable manner to change said added



programs to said scheduled programs and said scheduled programs to said added programs ([0111]; [0112]).

Considering claim 9, it is met by the combination of Young and Entwistle. In particular, Young discloses: if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs is combined with said information about said scheduled programs, both of which are displayed while arranged in said two-dimensional program guide screen, in a visually recognizable manner to change said added programs to said scheduled programs (fig. 1 [0063]).

As to claim 10, it is met by the combination of Young and Entwistle. In particular, Young discloses: said programs are added via a two-dimensional program guide including a time axis and a channel axis for displaying a plurality items of program information (fig. 1).

With regards to claim 12, it is met by the combination of Young and Entwistle. In particular, Entwistle discloses: said added programs and said schedule programs comprise a first favorite program ('favorite' is defined as 'One that enjoys special favor or regard'; the film continues program enjoys special regard over programs such as sports since the user has chosen to view film continues, fig. 5) and a second favorite program (music is a second favorite program since it is chosen to be viewed over other

programs, fig. 5), wherein the first favorite program and the second favorite program contend in the same time slot (film continues and music overlap in the time slot, fig. 5), and wherein said display device displays the first favorite program and the second favorite program in a single row (fig. 5, top row) and displays slants (diagonal running through 9:00) that inform a user that the first favorite program contents with the second favorite program ([0015]; [0005-0006]; [0009]; [0012-0013]).

Regarding claims 13 and 16, they are met by the combination of Young and Entwistle. In particular, Entwistle discloses: The first end of the first program comprises a beginning of the first program (film continues, fig. 5), wherein the first portion of the second program is transmitted after the beginning of the first program (music transmitted after film continues, fig. 5), and wherein the first break mark (diagonal running through 9:00, fig. 5) indicates that the first program overlaps the first portion of the second program that is transmitted after the beginning of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

Considering claims 14 and 17, they are met by the combination of Young and Entwistle. In particular, Entwistle discloses: the first end of the first program comprises an ending of the first program (film continues, fig. 5), wherein the first portion of the second program is transmitted before the ending of the first program (music transmitted before film ends), and wherein the first break mark indicates that the first program

overlaps the first portion of the second program that is transmitted before the ending of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

As to claims 15 and 18, they are met by the combination of Young and Entwistle. In particular, Entwistle discloses: said display device display a second break mark at an ending of the first program (tail end of diagonal of film continues program) to indicate that the first program overlaps a second portion of the second program (tail end of film continues overlaps music program), wherein the second portion of the second program is transmitted before the ending of the first program (second portion of music transmitted before end of film continues), and wherein the second break mark indicates that the first program overlaps the second portion of the second program that is transmitted before the ending of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

With regards to claims 19 and 20, they are met by the combination of Young and Entwistle. In particular, Entwistle discloses that said display device displays the first break mark at the first end of the first program without adjusting a viewing time at which the time slot of the second program indicates that the second program is to be viewed (Entwistle—figures 4 and 5 show that the viewing time of the second program is not adjusted - [0015]; [0005-0006]; [0009]; [0012-0013]).


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY

  
SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER